



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,621	07/11/2001	Hisashi Tanaka	NEC01P078-TSF	7886

30743 7590 08/18/2005

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,621

Applicant(s)

TANAKA ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. The amendment filed on 06/22/05 has been entered. Claims 1, 3, 5, 7 and 9-12 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senior (US 2002/0029171 A1).

Senior discloses a commodity selling system for allowing a user to purchase commodities through a network (page 5, claim 1, lines 1-3), said system comprising: user terminals, each used by a user for connection to the network (fig. 1, Internet Access, Home/Office), said user terminals having a mechanism for identifying one or more purchase candidate commodities for said user (page 4, [0065], 1-5); and a seller server which stores a time of selection of a purchase candidate commodity of said one or more purchase candidate commodities by a user at said user terminal and for storing information related to a plurality of purchase candidate commodities (fig. 1, Web Server), wherein each purchase candidate commodity is selected from a plurality of said commodities appearing on a Web page displayed at one or more user terminals (fig. 8, commodity catalog on the display, and wherein said user terminal displays said information and, if there is any said other information, said other information on said user terminal in response to

Art Unit: 3627

a request from said user terminal (page 5, claim 1, paragraphs A and B, fig. 11, History of purchase). Senior does disclose selecting an information related to the purchase of commodity but does not explicitly disclose said information is based from a group consisting of current price, delivery date, customized specifications, and accessories to be included with a purchase, and other information which includes new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity but it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the information section as claimed because it would provide a user ample information as to whether to continue with the purchase based on displayed information about the price and the delivery time slot for a particular commodity.

Response to Arguments

4. Applicant's arguments filed on 6/22/05 have been fully considered but they are not persuasive.

Applicant argues that Senior is directed to the purchase of commodities (such as gasoline or cellular telephone air time) for which a purchaser does not need information other than price and quantity. Contrary to Applicant's arguments, the examiner recognizes that not all commodities need information other than price and quantity and it is certain that the method disclosed by Senior does not only apply for gasoline or cellular phone. The same goes for Applicant's invention as well and in case that a user wants to buy gasoline for example, the other information claimed by Applicant will not be necessary in this particular case. If someone is using Senior's disclosure to buy a particular product other than gasoline or cellular phone time,

Art Unit: 3627

the other information such as delivery date and accessories becomes necessary for said customer in making the decision about the purchase. Applicant's example of gasoline or cellular phone time will work if such commodities (gasoline or cellular phone time) were the only ones the method of Senior can be purchase but it does not apply for all other commodities. Applicant's arguments are deemed unpersuasive, claims 1, 3, 5, and 7-12 are finally rejected.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

Ronald Laneau
Primary Examiner

rl